THE HON'BLE MR JUSTICE B.PRAKASH RAO

and

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO : 1864 of 2005

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Dated: 07.11.2005

Between:

D.V.V.S.S.V. Prasad, S/o. Rayudu,
Payakaraopet Primary Agricultural Cooperative Society Limited,
R/o. Mangavaram, Payakaraopet Mandal, Visakhapatnam District

..... APPELLANT

AND

D. Seshagiri Rao, S/o. Venkat Rao,
Payakaraopet Primary Agricultural Cooperative Society' Limited,
Payakaraopet Mandal, Visakahaptnam District and others.

.....RESPONDENTS

JUDGMENT (per Sri Justice B.Prakash Rao):

Heard the learned counsel for both the parties and at their request the main appeal itself is taken up for disposal.

The appellant herein is a member of the 8th respondent-society herein, who seeks to assail the order, dated 4.10.2004, passed in W.P.No.7640 of 2003 filed by the respondents 1 and 2 herein, wherein, the learned Single Judge, while taking into consideration the case of both sides, directed the 8th respondent-Society to consider the case of the 9th respondent herein afresh keeping in view the subsequent events and pass appropriate orders in accordance with law.

Learned counsel for the appellant submits that having regard to the chequered events and especially in view of the fact that the order terminating the services of the

9th respondent has become final, the question of considering the case of 9th respondent afresh does not arise and the same is not sustainable.

Having considered the above submissions and on a perusal of the material on record, primarily, learned counsel for the appellant has not satisfied this Court as to the locus to maintain the very writ appeal for or on behalf of the society of which he is a member. This Court, on repeated occasions held that a member cannot have an independent right to pursue the case of the Society as such. However, having regard to the nature of directions given in the writ petition, it is not open for the appellant herein to assail the same. It is always open for the appellant to approach the society and point out the very same questions and objections at the time of considering the case of the 9th respondent herein rather than opposing the same by filing an appeal under Clause 15 of the Letters Patent Appeal. Hence, we do not find any merits in this appeal.

Accordingly, the Writ Appeal is dismissed. No costs.

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(B.PRAKASH RAO,J)

Dated 7th November, 2005.

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(Dr.G.YETHIRAJULU, J)

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